

Introduced by Senator Poochigian

February 23, 2006

An act to amend Sections 12025 and 12031 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as introduced, Poochigian. Firearms.

Existing law makes it an offense to carry a concealed firearm, as specified. Existing law imposes various penalties for this offense, based on prior criminal history and other circumstances.

This bill would impose a sentence of 10 years in the state prison for the offense if the person has previously been convicted of a felony and certain other convictions or circumstances exist, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law, subject to exceptions, makes it an offense to carry a loaded firearm, as specified. Existing law imposes various penalties for this offense, based on prior criminal history and other circumstances.

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By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12025 of the Penal Code is amended to
2 read:
3 12025. (a) A person is guilty of carrying a concealed firearm
4 when he or she does any of the following:
5 (1) Carries concealed within any vehicle which is under his or
6 her control or direction any pistol, revolver, or other firearm
7 capable of being concealed upon the person.
8 (2) Carries concealed upon his or her person any pistol,
9 revolver, or other firearm capable of being concealed upon the
10 person.
11 (3) Causes to be carried concealed within any vehicle in which
12 he or she is an occupant any pistol, revolver, or other firearm
13 capable of being concealed upon the person.
14 (b) Carrying a concealed firearm in violation of this section is
15 punishable, as follows:
16 (1) (A) Where the person previously has been convicted of
17 any felony, or of any crime made punishable by this chapter, as a
18 felony.
19 (B) *Where the person previously has been convicted of any*
20 *felony, and has previously been convicted of one of the following*
21 *or subparagraph (C) applies by imprisonment in the state prison*
22 *for a term of 10 years:*
23 (i) *Possession of a firearm or a controlled substance where the*
24 *offense was a felony.*
25 (ii) *Felonious assault on a peace officer.*
26 (iii) *A violent or serious felony as defined in Section 667.5 or*
27 *1192.7, respectively.*
28 (C) *At the time of arrest, the offender was on probation,*
29 *parole, awaiting arrest, in flight from law enforcement, in*
30 *possession of a controlled substance, or assaulted a peace officer*
31 *incident to the arrest.*
32 (2) Where the firearm is stolen and the person knew or had
33 reasonable cause to believe that it was stolen, as a felony.
34 (3) Where the person is an active participant in a criminal
35 street gang, as defined in subdivision (a) of Section 186.22, under

1 the Street Terrorism Enforcement and Prevention Act (Chapter
2 11 (commencing with Section 186.20) of Title 7 of Part 1), as a
3 felony.

4 (4) Where the person is not in lawful possession of the
5 firearm, as defined in this section, or the person is within a class
6 of persons prohibited from possessing or acquiring a firearm
7 pursuant to Section 12021 or 12021.1 of this code or Section
8 8100 or 8103 of the Welfare and Institutions Code, as a felony.

9 (5) Where the person has been convicted of a crime against a
10 person or property, or of a narcotics or dangerous drug violation,
11 by imprisonment in the state prison, or by imprisonment in a
12 county jail not to exceed one year, by a fine not to exceed one
13 thousand dollars (\$1,000), or by both that imprisonment and fine.

14 (6) By imprisonment in the state prison, or by imprisonment in
15 a county jail not to exceed one year, by a fine not to exceed one
16 thousand dollars (\$1,000), or by both that fine and imprisonment
17 if both of the following conditions are met:

18 (A) Both the pistol, revolver, or other firearm capable of being
19 concealed upon the person and the unexpended ammunition
20 capable of being discharged from that firearm are either in the
21 immediate possession of the person or readily accessible to that
22 person, or the pistol, revolver, or other firearm capable of being
23 concealed upon the person is loaded as defined in subdivision (g)
24 of Section 12031.

25 (B) The person is not listed with the Department of Justice
26 pursuant to paragraph (1) of subdivision (c) of Section 11106, as
27 the registered owner of that pistol, revolver, or other firearm
28 capable of being concealed upon the person.

29 (7) In all cases other than those specified in paragraphs (1) to
30 (6), inclusive, by imprisonment in a county jail not to exceed one
31 year, by a fine not to exceed one thousand dollars (\$1,000), or by
32 both that imprisonment and fine.

33 (c) A peace officer may arrest a person for a violation of
34 paragraph (6) of subdivision (b) if the peace officer has probable
35 cause to believe that the person is not listed with the Department
36 of Justice pursuant to paragraph (1) of subdivision (c) of Section
37 11106 as the registered owner of the pistol, revolver, or other
38 firearm capable of being concealed upon the person, and one or
39 more of the conditions in subparagraph (A) of paragraph (6) of
40 subdivision (b) is met.

(d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 12001.6 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for at least three months.

(2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by this chapter, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned in a county jail for not less than three months.

(e) The court shall apply the three-month minimum sentence as specified in subdivision (d), except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(f) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

(g) For purposes of this section, “lawful possession of the firearm” means that the person who has possession or custody of the firearm either lawfully owns the firearm or has the permission of the lawful owner or a person who otherwise has apparent authority to possess or have custody of the firearm. A person who takes a firearm without the permission of the lawful owner or without the permission of a person who has lawful custody of the firearm does not have lawful possession of the firearm.

(h) (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this

1 section and any other offense charged in the same complaint,
2 indictment, or information.

3 (2) The Attorney General shall submit annually, a report on or
4 before December 31, to the Legislature compiling all of the
5 reports submitted pursuant to paragraph (1).

6 (3) This subdivision shall remain operative until January 1,
7 2005, and as of that date shall be repealed.

8 SEC. 2. Section 12031 of the Penal Code is amended to read:

9 12031. (a) (1) A person is guilty of carrying a loaded
10 firearm when he or she carries a loaded firearm on his or her
11 person or in a vehicle while in any public place or on any public
12 street in an incorporated city or in any public place or on any
13 public street in a prohibited area of unincorporated territory.

14 (2) Carrying a loaded firearm in violation of this section is
15 punishable, as follows:

16 (A) (i) Where the person previously has been convicted of
17 any felony, or of any crime made punishable by this chapter, as a
18 felony.

19 (ii) *Where the person previously has been convicted of any*
20 *felony, and has previously been convicted of possession of a*
21 *firearm or a controlled substance where the offense was a felony,*
22 *or has been convicted of felonious assault on a peace officer, or*
23 *convicted of a violent or serious felony, as defined in Section*
24 *667.5 or Section 1192.7, respectively, or at the time of arrest, the*
25 *offender was on probation, parole, awaiting arrest, in flight from*
26 *law enforcement, in possession of a controlled substance, or*
27 *assaulted a peace officer incident to the arrest, by imprisonment*
28 *in the state prison for a term of 10 years.*

29 (B) Where the firearm is stolen and the person knew or had
30 reasonable cause to believe that it was stolen, as a felony.

31 (C) Where the person is an active participant in a criminal
32 street gang, as defined in subdivision (a) of Section 186.22, under
33 the Street Terrorism Enforcement and Prevention Act (Chapter
34 11 (commencing with Section 186.20) of Title 7 of Part 1), as a
35 felony.

36 (D) Where the person is not in lawful possession of the
37 firearm, as defined in this section, or is within a class of persons
38 prohibited from possessing or acquiring a firearm pursuant to
39 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
40 the Welfare and Institutions Code, as a felony.

1 (E) Where the person has been convicted of a crime against a
2 person or property, or of a narcotics or dangerous drug violation,
3 by imprisonment in the state prison, or by imprisonment in a
4 county jail not to exceed one year, by a fine not to exceed one
5 thousand dollars (\$1,000), or by both that imprisonment and fine.

6 (F) Where the person is not listed with the Department of
7 Justice pursuant to Section 11106, as the registered owner of the
8 pistol, revolver, or other firearm capable of being concealed upon
9 the person, by imprisonment in the state prison, or by
10 imprisonment in a county jail not to exceed one year, or by a fine
11 not to exceed one thousand dollars (\$1,000), or both that fine and
12 imprisonment.

13 (G) In all cases other than those specified in subparagraphs
14 (A) to (F), inclusive, as a misdemeanor, punishable by
15 imprisonment in a county jail not to exceed one year, by a fine
16 not to exceed one thousand dollars (\$1,000), or by both that
17 imprisonment and fine.

18 (3) For purposes of this section, “lawful possession of the
19 firearm” means that the person who has possession or custody of
20 the firearm either lawfully acquired and lawfully owns the
21 firearm or has the permission of the lawful owner or person who
22 otherwise has apparent authority to possess or have custody of
23 the firearm. A person who takes a firearm without the permission
24 of the lawful owner or without the permission of a person who
25 has lawful custody of the firearm does not have lawful
26 possession of the firearm.

27 (4) Nothing in this section shall preclude prosecution under
28 Sections 12021 and 12021.1 of this code, Section 8100 or 8103
29 of the Welfare and Institutions Code, or any other law with a
30 greater penalty than this section.

31 (5) (A) Notwithstanding paragraphs (2) and (3) of subdivision
32 (a) of Section 836, a peace officer may make an arrest without a
33 warrant:

34 (i) When the person arrested has violated this section, although
35 not in the officer’s presence.

36 (ii) Whenever the officer has reasonable cause to believe that
37 the person to be arrested has violated this section, whether or not
38 this section has, in fact, been violated.

39 (B) A peace officer may arrest a person for a violation of
40 subparagraph (F) of paragraph (2), if the peace officer has

1 probable cause to believe that the person is carrying a loaded
2 pistol, revolver, or other firearm capable of being concealed upon
3 the person in violation of this section and that person is not listed
4 with the Department of Justice pursuant to paragraph (1) of
5 subdivision (c) of Section 11106 as the registered owner of that
6 pistol, revolver, or other firearm capable of being concealed upon
7 the person.

8 (6) (A) Every person convicted under this section who has
9 previously been convicted of an offense enumerated in Section
10 12001.6, or of any crime made punishable under this chapter,
11 shall serve a term of at least three months in a county jail, or, if
12 granted probation or if the execution or imposition of sentence is
13 suspended, it shall be a condition thereof that he or she be
14 imprisoned for a period of at least three months.

15 (B) The court shall apply the three-month minimum sentence
16 except in unusual cases where the interests of justice would best
17 be served by granting probation or suspending the imposition or
18 execution of sentence without the minimum imprisonment
19 required in this subdivision or by granting probation or
20 suspending the imposition or execution of sentence with
21 conditions other than those set forth in this subdivision, in which
22 case, the court shall specify on the record and shall enter on the
23 minutes the circumstances indicating that the interests of justice
24 would best be served by that disposition.

25 (7) A violation of this section which is punished by
26 imprisonment in a county jail not exceeding one year shall not
27 constitute a conviction of a crime punishable by imprisonment
28 for a term exceeding one year for the purposes of determining
29 federal firearms eligibility under Section 922(g)(1) of Title 18 of
30 the United States Code.

31 (b) Subdivision (a) shall not apply to any of the following:

32 (1) Peace officers listed in Section 830.1 or 830.2, or
33 subdivision (a) of Section 830.33, whether active or honorably
34 retired, other duly appointed peace officers, honorably retired
35 peace officers listed in subdivision (c) of Section 830.5, other
36 honorably retired peace officers who during the course and scope
37 of their employment as peace officers were authorized to, and
38 did, carry firearms, full-time paid peace officers of other states
39 and the federal government who are carrying out official duties
40 while in California, or any person summoned by any of those

1 officers to assist in making arrests or preserving the peace while
2 the person is actually engaged in assisting that officer. Any peace
3 officer described in this paragraph who has been honorably
4 retired shall be issued an identification certificate by the law
5 enforcement agency from which the officer has retired. The
6 issuing agency may charge a fee necessary to cover any
7 reasonable expenses incurred by the agency in issuing certificates
8 pursuant to this paragraph and paragraph (3).

9 Any officer, except an officer listed in Section 830.1 or 830.2,
10 subdivision (a) of Section 830.33, or subdivision (c) of Section
11 830.5 who retired prior to January 1, 1981, shall have an
12 endorsement on the identification certificate stating that the
13 issuing agency approves the officer's carrying of a loaded
14 firearm.

15 No endorsement or renewal endorsement issued pursuant to
16 paragraph (2) shall be effective unless it is in the format set forth
17 in subparagraph (D) of paragraph (1) of subdivision (a) of
18 Section 12027, except that any peace officer listed in subdivision
19 (f) of Section 830.2 or in subdivision (c) of Section 830.5, who is
20 retired between January 2, 1981, and on or before December 31,
21 1988, and who is authorized to carry a loaded firearm pursuant to
22 this section, shall not be required to have an endorsement in the
23 format set forth in subparagraph (D) of paragraph (1) of
24 subdivision (a) of Section 12027 until the time of the issuance,
25 on or after January 1, 1989, of a renewal endorsement pursuant to
26 paragraph (2).

27 (2) A retired peace officer, except an officer listed in Section
28 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision
29 (c) of Section 830.5 who retired prior to January 1, 1981, shall
30 petition the issuing agency for renewal of his or her privilege to
31 carry a loaded firearm every five years. An honorably retired
32 peace officer listed in Section 830.1 or 830.2, subdivision (a) of
33 Section 830.33, or subdivision (c) of Section 830.5 who retired
34 prior to January 1, 1981, shall not be required to obtain an
35 endorsement from the issuing agency to carry a loaded firearm.
36 The agency from which a peace officer is honorably retired may,
37 upon initial retirement of the peace officer, or at any time
38 subsequent thereto, deny or revoke for good cause the retired
39 officer's privilege to carry a loaded firearm. A peace officer who
40 is listed in Section 830.1 or 830.2, subdivision (a) of Section

1 830.33, or subdivision (c) of Section 830.5 who is retired prior to
2 January 1, 1981, shall have his or her privilege to carry a loaded
3 firearm denied or revoked by having the agency from which the
4 officer retired stamp on the officer's identification certificate "No
5 CCW privilege."

6 (3) An honorably retired peace officer who is listed in
7 subdivision (c) of Section 830.5 and authorized to carry loaded
8 firearms by this subdivision shall meet the training requirements
9 of Section 832 and shall qualify with the firearm at least
10 annually. The individual retired peace officer shall be responsible
11 for maintaining his or her eligibility to carry a loaded firearm.
12 The Department of Justice shall provide subsequent arrest
13 notification pursuant to Section 11105.2 regarding honorably
14 retired peace officers listed in subdivision (c) of Section 830.5 to
15 the agency from which the officer has retired.

16 (4) Members of the military forces of this state or of the
17 United States engaged in the performance of their duties.

18 (5) Persons who are using target ranges for the purpose of
19 practice shooting with a firearm or who are members of shooting
20 clubs while hunting on the premises of those clubs.

21 (6) The carrying of pistols, revolvers, or other firearms
22 capable of being concealed upon the person by persons who are
23 authorized to carry those weapons pursuant to Article 3
24 (commencing with Section 12050) of Chapter 1 of Title 2 of Part
25 4.

26 (7) Armored vehicle guards, as defined in Section 7521 of the
27 Business and Professions Code, (A) if hired prior to January 1,
28 1977, or (B) if hired on or after that date, if they have received a
29 firearms qualification card from the Department of Consumer
30 Affairs, in each case while acting within the course and scope of
31 their employment.

32 (8) Upon approval of the sheriff of the county in which they
33 reside, honorably retired federal officers or agents of federal law
34 enforcement agencies, including, but not limited to, the Federal
35 Bureau of Investigation, the Secret Service, the United States
36 Customs Service, the Federal Bureau of Alcohol, Tobacco, and
37 Firearms, the Federal Bureau of Narcotics, the Drug Enforcement
38 Administration, the United States Border Patrol, and officers or
39 agents of the Internal Revenue Service who were authorized to
40 carry weapons while on duty, who were assigned to duty within

1 the state for a period of not less than one year, or who retired
2 from active service in the state.

3 Retired federal officers or agents shall provide the sheriff with
4 certification from the agency from which they retired certifying
5 their service in the state, the nature of their retirement, and
6 indicating the agency's concurrence that the retired federal
7 officer or agent should be accorded the privilege of carrying a
8 loaded firearm.

9 Upon approval, the sheriff shall issue a permit to the retired
10 federal officer or agent indicating that he or she may carry a
11 loaded firearm in accordance with this paragraph. The permit
12 shall be valid for a period not exceeding five years, shall be
13 carried by the retiree while carrying a loaded firearm, and may be
14 revoked for good cause.

15 The sheriff of the county in which the retired federal officer or
16 agent resides may require recertification prior to a permit
17 renewal, and may suspend the privilege for cause. The sheriff
18 may charge a fee necessary to cover any reasonable expenses
19 incurred by the county.

20 (c) Subdivision (a) shall not apply to any of the following who
21 have completed a regular course in firearms training approved by
22 the Commission on Peace Officer Standards and Training:

23 (1) Patrol special police officers appointed by the police
24 commission of any city, county, or city and county under the
25 express terms of its charter who also, under the express terms of
26 the charter, (A) are subject to suspension or dismissal after a
27 hearing on charges duly filed with the commission after a fair
28 and impartial trial, (B) are not less than 18 years of age or more
29 than 40 years of age, (C) possess physical qualifications
30 prescribed by the commission, and (D) are designated by the
31 police commission as the owners of a certain beat or territory as
32 may be fixed from time to time by the police commission.

33 (2) The carrying of weapons by animal control officers or
34 zookeepers, regularly compensated as such by a governmental
35 agency when acting in the course and scope of their employment
36 and when designated by a local ordinance or, if the governmental
37 agency is not authorized to act by ordinance, by a resolution,
38 either individually or by class, to carry the weapons, or by
39 persons who are authorized to carry the weapons pursuant to

1 Section 14502 of the Corporations Code, while actually engaged
2 in the performance of their duties pursuant to that section.

3 (3) Harbor police officers designated pursuant to Section
4 663.5 of the Harbors and Navigation Code.

5 (d) Subdivision (a) shall not apply to any of the following who
6 have been issued a certificate pursuant to Section 12033. The
7 certificate shall not be required of any person who is a peace
8 officer, who has completed all training required by law for the
9 exercise of his or her power as a peace officer, and who is
10 employed while not on duty as a peace officer.

11 (1) Guards or messengers of common carriers, banks, and
12 other financial institutions while actually employed in and about
13 the shipment, transportation, or delivery of any money, treasure,
14 bullion, bonds, or other thing of value within this state.

15 (2) Guards of contract carriers operating armored vehicles
16 pursuant to California Highway Patrol and Public Utilities
17 Commission authority (A) if hired prior to January 1, 1977, or
18 (B) if hired on or after January 1, 1977, if they have completed a
19 course in the carrying and use of firearms which meets the
20 standards prescribed by the Department of Consumer Affairs.

21 (3) Private investigators and private patrol operators who are
22 licensed pursuant to Chapter 11.5 (commencing with Section
23 7512) of, and alarm company operators who are licensed
24 pursuant to Chapter 11.6 (commencing with Section 7590) of,
25 Division 3 of the Business and Professions Code, while acting
26 within the course and scope of their employment.

27 (4) Uniformed security guards or night watch persons
28 employed by any public agency, while acting within the scope
29 and course of their employment.

30 (5) Uniformed security guards, regularly employed and
31 compensated in that capacity by persons engaged in any lawful
32 business, and uniformed alarm agents employed by an alarm
33 company operator, while actually engaged in protecting and
34 preserving the property of their employers or on duty or en route
35 to or from their residences or their places of employment, and
36 security guards and alarm agents en route to or from their
37 residences or employer-required range training. Nothing in this
38 paragraph shall be construed to prohibit cities and counties from
39 enacting ordinances requiring alarm agents to register their
40 names.

1 (6) Uniformed employees of private patrol operators and
2 private investigators licensed pursuant to Chapter 11.5
3 (commencing with Section 7512) of Division 3 of the Business
4 and Professions Code, while acting within the course and scope
5 of their employment.

6 (e) In order to determine whether or not a firearm is loaded for
7 the purpose of enforcing this section, peace officers are
8 authorized to examine any firearm carried by anyone on his or
9 her person or in a vehicle while in any public place or on any
10 public street in an incorporated city or prohibited area of an
11 unincorporated territory. Refusal to allow a peace officer to
12 inspect a firearm pursuant to this section constitutes probable
13 cause for arrest for violation of this section.

14 (f) As used in this section, “prohibited area” means any place
15 where it is unlawful to discharge a weapon.

16 (g) A firearm shall be deemed to be loaded for the purposes of
17 this section when there is an unexpended cartridge or shell,
18 consisting of a case that holds a charge of powder and a bullet or
19 shot, in, or attached in any manner to, the firearm, including, but
20 not limited to, in the firing chamber, magazine, or clip thereof
21 attached to the firearm; except that a muzzle-loader firearm shall
22 be deemed to be loaded when it is capped or primed and has a
23 powder charge and ball or shot in the barrel or cylinder.

24 (h) Nothing in this section shall prevent any person engaged in
25 any lawful business, including a nonprofit organization, or any
26 officer, employee, or agent authorized by that person for lawful
27 purposes connected with that business, from having a loaded
28 firearm within the person’s place of business, or any person in
29 lawful possession of private property from having a loaded
30 firearm on that property.

31 (i) Nothing in this section shall prevent any person from
32 carrying a loaded firearm in an area within an incorporated city
33 while engaged in hunting, provided that the hunting at that place
34 and time is not prohibited by the city council.

35 (j) (1) Nothing in this section is intended to preclude the
36 carrying of any loaded firearm, under circumstances where it
37 would otherwise be lawful, by a person who reasonably believes
38 that the person or property of himself or herself or of another is
39 in immediate, grave danger and that the carrying of the weapon is
40 necessary for the preservation of that person or property. As used

1 in this subdivision, “immediate” means the brief interval before
2 and after the local law enforcement agency, when reasonably
3 possible, has been notified of the danger and before the arrival of
4 its assistance.

5 (2) A violation of this section is justifiable when a person who
6 possesses a firearm reasonably believes that he or she is in grave
7 danger because of circumstances forming the basis of a current
8 restraining order issued by a court against another person or
9 persons who has or have been found to pose a threat to his or her
10 life or safety. This paragraph may not apply when the
11 circumstances involve a mutual restraining order issued pursuant
12 to Division 10 (commencing with Section 6200) of the Family
13 Code absent a factual finding of a specific threat to the person’s
14 life or safety. It is not the intent of the Legislature to limit,
15 restrict, or narrow the application of current statutory or judicial
16 authority to apply this or other justifications to defendants
17 charged with violating Section 12025 or of committing other
18 similar offenses.

19 Upon trial for violating this section, the trier of fact shall
20 determine whether the defendant was acting out of a reasonable
21 belief that he or she was in grave danger.

22 (k) Nothing in this section is intended to preclude the carrying
23 of a loaded firearm by any person while engaged in the act of
24 making or attempting to make a lawful arrest.

25 (l) Nothing in this section shall prevent any person from
26 having a loaded weapon, if it is otherwise lawful, at his or her
27 place of residence, including any temporary residence or
28 campsite.

29 (m) (1) The district attorney of each county shall submit
30 annually a report on or before June 30, to the Attorney General
31 consisting of profiles by race, age, gender, and ethnicity of any
32 person charged with a felony or a misdemeanor under this
33 section and any other offense charged in the same complaint,
34 indictment, or information.

35 (2) The Attorney General shall submit annually, a report on or
36 before December 31, to the Legislature compiling all of the
37 reports submitted pursuant to paragraph (1).

38 (3) This subdivision shall remain operative only until January
39 1, 2005.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

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